

NOT TO BE PUBLISHED

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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Butte)**

THE PEOPLE,

Plaintiff and Respondent,

v.

AUSTIN LEE CEDOLINE,

Defendant and Appellant.

C079457

(Super. Ct. No. CM042490)

Appointed counsel for defendant Austin Lee Cedoline has filed an opening brief that sets forth the facts of the case and asks this court to review the record and determine whether there are any arguable issues on appeal.¹ (*People v. Wende* (1979) 25 Cal.3d

¹ Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days have elapsed, and we have received no communication from defendant.

436.) Finding no arguable error that would result in a disposition more favorable to defendant, we affirm the judgment.

We provide the following brief description of the facts and procedural history of the case. (See *People v. Kelly* (2006) 40 Cal.4th 106, 110, 124.)

In the early morning hours of January 26, 2015, defendant and five or six of his cohorts kicked in the front door and entered an apartment where they began punching a minor who had been sleeping on the couch. When another resident intervened, the attackers began hitting him, as well. Another minor was also attacked during the invasion. Apparently, the attackers were seeking a fourth individual, who had locked himself in his bedroom. When defendant was later arrested, he had 0.57 grams of cocaine in his pocket. He admitted he had gone to the apartment to “ ‘settle some business . . . because somebody else did [him] dirty.’ ”

Defendant was charged with first degree burglary. (Pen. Code, § 459.) Defendant pleaded no contest to first degree burglary and, on May 20, 2015, was denied probation and sentenced to the midterm of four years in state prison. The trial court also imposed various fines and fees, and ordered defendant to pay victim restitution. The trial court also awarded defendant 132 days of presentence custody credit (115 days of actual credit and 17 days of conduct credit).

Defendant appeals. His request for a certificate of probable cause was denied. (Pen. Code, § 1237.5.)

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

____ BUTZ _____, Acting P. J.

We concur:

____ MAURO _____, J.

____ HOCH _____, J.